

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:)
Kenneth O'HAGAN) Group Art Unit: 2631
Application Number: 10/075,367) Examiner: To Be Assigned
Filed: February 15, 2002)
For: PARALLEL SPREAD SPECTRUM)
COMMUNICATION SYSTEM)
AND METHOD)

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Commissioner for Patents
Attention: Box Missing Parts
U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In response to the attached U.S. Patent and Trademark Office (PTO) Notice To File Missing Parts of Nonprovisional Application mailed April 3, 2002, Applicant submits herewith an executed Declaration and a late filing surcharge for the above-captioned patent application.

Applicant believes that the Notice requesting additional claim fees for five (5) independent claims in excess of three (3) is unsoundly based. Particularly, Applicant maintains that the fees for these excess claims fees were authorized and previously charged to the undersigned's deposit account. For example, Applicant attaches herewith a copy of the Utility Patent Application Transmittal letter filed on February 15, 2002, along with a copy of the date-stamped PTO Post card showing that an amount of \$868.00 was authorized to be charged to the undersigned's deposit account. The authorized amount of \$868.00 allotted \$210.00 for five (5) excess independent claims. Moreover, the PTO charged the undersigned's deposit account on February 21, 2002, a total amount of \$1568.00 for fees associated with the filing of the present application. A copy of the undersigned's Monthly Statement of Deposit Account illustrating

such charges is enclosed. Please note that Applicant contends that such charges are in excess of the monies owed to the PTO, therefore a Request for Refund is concurrently submitted herewith.

Applicant therefore submits a check in the amount of \$65.00 for the following fee:

Late Filing Surcharge (Small Entity) \$65.00

TOTAL AMOUNT ENCLOSED \$65.00

In the event any variance exists between the amount enclosed and the amount determined by the PTO to enter this Response or maintain the present application as pending, please charge or credit such variance to the undersigned's Deposit Account No. 50-1640.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

May 8, 2002

By:



Trevor Coddington
Patent Agent
Registration No. 46,633

Brobeck, Phleger & Harrison LLP
Intellectual Property Department
1333 H Street, N.W., Suite 800
Washington, D.C. 20005
Tel: (202) 220-6000
Fax: (202) 220-5200

TC:cdh

#4

COPY

February 15, 2002

Brobeck

ATTORNEYS AT LAW

BROBECK, PHLEGER & HARRISON LLP

1333 H STREET N.W.

SUITE 800

WASHINGTON, D.C. 20005

telephone 202.220.6000

facsimile 202.220.5200

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket Number: 031613.0003

First Named Inventor: Kenneth O'HAGAN

Title: PARALLEL SPREAD SPECTRUM COMMUNICATION SYSTEM AND
METHOD

TO: **BOX PATENT APPLICATION**
 Commissioner for Patents
 Washington, D.C. 20231

Sir:

Attached are the following for filing with the U.S. Patent and Trademark Office:

1. Specification - Total Pages: 23 (Including Abstract)

| CLAIMS AS FILED | | | | | | |
|---|--------------|------------------|-------|--------------|--------------|------------------|
| | Claims Filed | Basic Fee Claims | Extra | Rate | | Amount |
| | | | | Large Entity | Small Entity | |
| Total Claims | 52 | 20 | 32 | \$ 18.00 | \$ 9.00 | \$ 288.00 |
| Independent Claims | 8 | 3 | 5 | \$ 84.00 | \$ 42.00 | \$ 210.00 |
| First Presentation of Multiple Dependent Claims | | | | \$ 280.00 | \$ 140.00 | \$ 0.00 |
| BASIC FEE | | | | \$ 740.00 | \$ 370.00 | \$ 370.00 |
| TOTAL FILING FEE | | | | | | \$ 868.00 |

2. Drawings - Total Sheets: 12 (Figs). 1-12)3. Oath or Declaration - Total Pages: 3

- a. Newly executed (original or copy)
 New (unexecuted)
- b. Copy from a prior application
 (for continuation/divisional with Box 17 completed)

BOX PATENT APPLICATION

February 15, 2002

Page 2

- i. **DELETION OF INVENTOR(s):**
Signed statement attached deleting inventor(s) named in prior application.
4. **Incorporation By Reference (useable if Box 4b is marked)**
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
5. **Microfiche Computer Program (Appendix)**
6. **Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)**
a. Computer Readable Copy
b. Paper Copy (identical to computer copy)
c. Statement verifying identity of above copies
7. **Assignment and Assignment Recordation Form**
8. **37 C.F.R. 3.73(b) Statement** **Power of Attorney**
9. **English Translation Document (if applicable)**
10. **Information Disclosure Statement with PTO-1449 and References**
 Copies of Information Disclosure Statement Citations
11. **Preliminary Amendment**
12. **Return Receipt Postcard**
13. **Small Entity Status Claimed:** **Independent Inventor**
 Small Business Concern
 Non-Profit Organization
- Statement Enclosed**
- Statement Filed in Prior Application; Status Still Proper and Desired**
14. **Foreign Priority is Claimed as Follows:**

- If Foreign Priority is Claimed, Certified Copy of the Above Priority Document(s) is Submitted Herewith**

BOX PATENT APPLICATION

February 15, 2002

Page 3

15. Other: _____
16. Continuation Divisional Continuation-in-Part of
Prior Application No.: _____ filed _____
- Complete Application Based on Provisional Application No.: 60/268,942
filed February 16, 2001
17. A new power of attorney or authorization of agent (PTO/SB/81) is as follows:
- The power of attorney is to: Rodger L. Tate, Reg. No. 27,399; Anthony W. Shaw, Reg. No. 30,104; Cono A. Carrano, Reg. No. 39,623; James Remenick, Reg. No. 36,902; Michael J Songer, Reg. No. 39,841; Laurence H. Posorske, Reg. No. 34,698; Floyd B. Chapman, Reg. No. 40,555; David J. Kulik, Reg. No. 36,576; Robert A. King, Reg. No. 42,738; Craig L. Puckett, Reg. No. 43,023; and Trevor Q. Coddington, Reg. No. 46,633.
- Please remove as power of attorney: James Remenick, Reg. No. 36,902; Michael J Songer, Reg. No. 39,841; Floyd B. Chapman, Reg. No. 40,555; and David J. Kulik, Reg. No. 36,576.
- Please add as power of attorney:
18. Please address all correspondence to:
- CUSTOMER NUMBER 26118
- Trevor Coddington
Intellectual Property Department
Brobeck, Phleger & Harrison LLP
1333 H Street, N.W.
Suite 800
Washington, DC 20005
19. Please charge the Total Filing Fee of \$868.00 to Deposit Account No. **50-1640**.

BOX PATENT APPLICATION

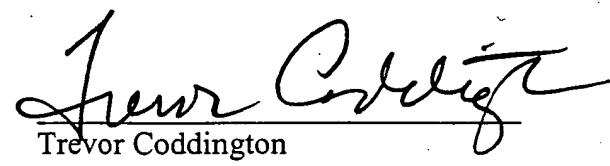
February 15, 2002

Page 4

- The Commissioner is hereby authorized to charge any variance between the amount enclosed and the Patent Office charges to **Deposit Account No. 50-1640.**

Respectfully submitted,

By:


Trevor Coddington
Registration No. 46,633

TC/cdh

Enclosure

Intellectual Property Department
Brobeck, Phleger & Harrison LLP
1333 H Street, N.W.
Suite 800
Washington, DC 20005

COPY

- PROVISIONAL
 UTILITY
 DESIGN

Application No.: TO BE ASSIGNED

Client/Matter No.: 031613.0003

Inventor(s): KENNETH O'HAGAN

Title: PARALLEL SPREAD SPECTRUM COMMUNICATION SYSTEM AND METHOD



PATENT

Date: February 15, 2002

Client: Arcadian Wireless

Atty/Sec.: TQC:CDH

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- UTILITY PATENT APPLICATION TRANSMITTAL
- SPECIFICATION 23 PAGES INCLUDING ABSTRACT
- 12 SHEETS OF DRAWINGS SHOWING FIGS. 1-12
- UNEXECUTED DECLARATION AND POWER OF ATTORNEY
- THE FILING FEE IN THE AMOUNT OF \$868.00 TO BE CHARGED TO DEPOSIT ACCOUNT NO. 50-1640

DOCKETED



UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
MAY 08 2002
PATENT & TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

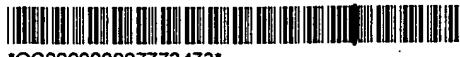
| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/075,367 | 02/15/2002 | O'Hagan Kenneth | 031613.0003 |

26118
BROBECK, PHLEGER & HARRISON, LLP
ATTN: INTELLECTUAL PROPERTY DEPARTMENT
1333 H STREET, N.W. SUITE 800
WASHINGTON, DC 20005

RECEIVED

APR 08 2002

CONFIRMATION NO. 8848
FORMALITIES LETTER



OC000000007773472

Date Mailed: 04/03/2002

BROBECK

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$168.
 - \$168 for 5 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 298.

A copy of this notice MUST be returned with the reply.

Tedus

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY

05/09/2002 RMEBRAHT 00000089 10075367

01 FC:205

65.00 OP

DOCKETED

| | |
|------------------|----------------------------------|
| CMID | 031613.0003 |
| Action Type | Response to N.F.P. |
| Date/Final Dates | 3 Jun 13 Dec 02 |
| Att'y | TQC Sec |
| Entered by | <i>[Signature]</i> Date 8 Apr 02 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Kenneth O'HAGAN) Group Art Unit: 2631
Application Number: 10/075,367) Examiner: To Be Assigned
Filed: February 15, 2002)
For: PARALLEL SPREAD SPECTRUM)
COMMUNICATION SYSTEM)
AND METHOD)

REQUEST FOR REFUND

Assistant Commissioner for Patents
Attention: Refund Section, Office of Finance
U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

Because Applicant is entitled to pay small entity fees, as noted on the Utility Patent Application Transmittal Sheet and on the Provisional Application Cover Sheet, of which the present application is based, please refund to the undersigned's Deposit Account as follows: one-half of the filing fee, e.g., \$370.00; and one half of the excess claims fee, e.g., \$288.00. A copy of the Transmittal and Cover Sheets are enclosed.

It was noted that the Office also charged \$252.00 for (5) independent claims over (3). Applicant maintains that the small entity fee for those claims should be \$210.00. Therefore, \$42.00 should also be refunded.

Applicant is submitting a copy of the undersigned's Monthly Statement of Deposit Account showing that the above fees were charged by the U.S. Patent & Trademark Office on February 21, 2002, in connection with the present application.

Applicant respectfully requests that the total refund amount of \$700.00 be remitted directly to **Deposit Account No. 50-1640**. A duplicate copy of this letter is enclosed for this purpose.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

By:


Trevor Coddington
Patent Agent
Registration No. 46,633

May 8, 2002

Brobeck, Phleger & Harrison LLP
Intellectual Property Department
1333 H Street, N.W., Suite 800
Washington, D.C. 20005
Tel: (202) 220-6000
Fax: (202) 220-5200

TC:cdh

COPY
**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

#3

**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

BROBECK PHLEGER & HARRISON LLP
ACCOUNTS PAYABLE
1333 H STREET, NW
SUITE 800
WASHINGTON DC 20005

RECEIVED

MAR 21 2002

FINA

BROBECK

| |
|-------------|
| Account No. |
| 501640 |
| Date |
| 2-28-02 |
| Page |
| 1 |

PLEASE SEND REMITTANCES TO:
Patent and Trademark Office
P.O. Box 70541
Chicago, Ill. 60673

| DATE POSTED | | CONTROL NO. | DESCRIPTION (Serial, Patent, TM, Order) | DOCKET NO. | FEE CODE | CHARGES/ CREDITS | BALANCE |
|--|-----|-------------|--|-----------------------------|--------------------------|-------------------------|-----------------------------|
| MO. | DAY | | | | | | |
| 2 | 4 | 02 | 185 | 10048178 | 031708.0060 | 964 20.00 | 17457.00 |
| 2 | 6 | 02 | 5 | 29132616 | 031683.0014 | 148 110.00 | 17347.00 |
| 2 | 13 | 02 | 4 | 09741023 | 031683.0014 | 102 252.00 | 17095.00 |
| 2 | 13 | 02 | 5 | 09741023 | 031683.0014 | 115 110.00 | 16985.00 |
| 2 | 14 | 02 | 147 | 09482054 | 031612.0012 | 202 2.00 | 16983.00 |
| 2 | 19 | 02 | 6 | 09741023 | 031683.0014 | 115 -110.00 | 17093.00 |
| 2 | 21 | 02 | 8 | 10075344 | 031787.0092 | 201 370.00 | 16723.00 |
| 2 | 1 | 02 | 20 | 75950193 | 031787.0092 | 0 361 325.00 | 16398.00 |
| 2 | 21 | 02 | 55 | 10075367 | 031613.0003 | 101 740.00 | 15658.00 |
| 2 | 21 | 02 | 56 | 10075367 | 031613.0003 | 102 252.00 | 15406.00 |
| 2 | 21 | 02 | 57 | 10075367 | 031613.0003 | 103 576.00 | 14830.00 |
| 2 | 22 | 02 | 454 | PCT/US02/04408 | 031787.0093 | 150 240.00 | 14590.00 |
| 2 | 22 | 02 | 455 | PCT/US02/04408 | 031787.0093 | 802 866.00 | 13724.00 |
| 2 | 22 | 02 | 456 | PCT/US02/04408 | 031787.0093 | 800 407.00 | 13317.00 |
| 2 | 22 | 02 | 457 | PCT/US02/04408 | 031787.0093 | 801 117.00 | 13200.00 |
| 2 | 22 | 02 | 458 | PCT/US02/04408 | 031787.0093 | 899 440.00 | 12760.00 |
| 2 | 22 | 02 | 459 | PCT/US02/04408 | 031787.0093 | 566 15.00 | 12745.00 |
| 2 | 25 | 02 | 194 | PCT/US02/04438 | 031613.03PCT | 150 240.00 | 12505.00 |
| 2 | 25 | 02 | 195 | PCT/US02/04438 | 031613.03PCT | 151 700.00 | 11805.00 |
| 2 | 25 | 02 | 196 | PCT/US02/04438 | 031613.03PCT | 800 407.00 | 11398.00 |
| 2 | 25 | 02 | 197 | PCT/US02/04438 | 031613.03PCT | 801 117.00 | 11281.00 |
| 2 | 25 | 02 | 198 | PCT/US02/04438 | 031613.03PCT | 899 440.00 | 10841.00 |
| 2 | 25 | 02 | 199 | PCT/US02/04438 | 031613.03PCT | 566 15.00 | 10826.00 |
| AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT | | | | OPENING BALANCE 17477.00 | TOTAL CHARGES 6761.00 | TOTAL CREDITS 110.00 | CLOSING BALANCE 10826.00 |